

REMARKS

Claims 1-27 are pending in the instant application. Claims 1, 10, and 19 are independent claims, and claims 2-9, 11-18, and 20-27 depend, respectively, from independent claims 1, 10, and 19. The Applicants request reconsideration of the claims in view of the following remarks.

On April 6, 2005, the Office issued a Final Office Action, withdrawing its rejection of the pending claims 1-27 based upon Mandler in light of Applicants' remarks, but maintaining its rejection in light of Walker and adding a new rejection in light of Lent. Applicants responded by arguing, among other things, that the Lent was not prior art because Lent's filing date did not precede the priority date for the present application. The Office agreed and withdrew its rejection based on the Lent reference (but maintained its rejection based upon Walker).

On September 6, 2005, Applicants submitted a Request for Continued Examination, which provided a detailed argument as to why Applicants' claimed invention was patentable over the Walker references. According to the current Non-Final Office Action, "Applicant's September 6, 2005 REMARKS [distinguishing the Walker reference] have been reviewed [and] are convincing with regards to the previous Office Action[.]" See Office Action of November 25, 2005, at p. 2. Thus, the Office has conceded that the pending claims are patentably distinct from the Walker reference.

Rather than allowing the claims, however, the Office rejected the pending claims in light of a fourth new reference, Peth (USP 6,957,192). Application Serial No. 09/645,108, which ultimately issued as the '192 patent, was filed on August 23, 2000. The present application claims priority to five Provisional Applications (60/195,825; 60/214,183; 60/214,136; 60/213,912; and 60/214,188), and the present claims are completely supported by the disclosure of these five Provisional Applications. The first of these Provisional Applications was filed on March 21, 2000, while the remaining four were filed on June 26, 2000, at least two months prior to the Peth application. Thus, much like the Lent reference previously cited by the Office, the '192 patent is also not prior art to the present claims. Accordingly, this rejection should be withdrawn as well. The applicants reserve the right to distinguish the '192 patent on other grounds if required in the future.

CONCLUSION

Based on at least the foregoing, the Applicants believe that claims 1-40 are in condition for allowance. Given the state of the prosecution, if the Examiner disagrees or has any question regarding this submission, the Applicants request that the Examiner telephone the undersigned at (312) 775-8000 prior to issuing any further action.

A Notice of Allowance is courteously solicited.

Respectfully submitted,

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